

Message Text

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PAGE 01 SANTIA 07578 131933Z

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ACTION SS-25

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE 1415

C O N F I D E N T I A L SANTIAGO 7578

EXDIS

FOR ASSISTANT SECRETARY ROGERS

EO 11652: GDS

TAGS: EAID, SHUM, CI

SUBJECT: CHILE AMENDMENT: FOREIGN AID BILL

REF: STATE 273189

1. REFTTEL ARRIVED SHORTLY BEFORE I WAS SCHEDULED TO SEE FONMIN CARVAJAL DEC 13, FOR A DISCUSSION OF LIMA-AYACUCHO CONFERENCE (SEPTELS). ACCORDINGLY, DURING INTERVIEW I REVIEWED DEVELOPMENTS IN CONGRESS RE AID BILL LEGISLATION AFFECTING CHILE, NOTING DEPT WAS NOT OPTIMISTIC REGARDING EVEN FMS CASH SALES.
 2. CARVAJAL WAS NOT AT ALL SURPRISED AT MY REMARKS AND TOOK THEM CALMLY. HE UNDERSTANDS VERY WELL INDEED THAT DEPT IS SEEKING TO WITHSTAND STRONG CONGRESSIONAL TREND TOWARD ABSOLUTE ARMS EMBARGO FOR CHILE. AS WE WENT THROUGH TEXTS OF HOUSE AND SENATE AMENDMENTS ON CHILE, HE RAISED QUESTION WHAT KIND OF "FUNDAMENTAL IMPROVEMENTS" IN OBSERVANCE OF HUMAN RIGHTS WOULD BE REQUIRED TO TRIGGER PRESIDENTIAL WAIVER UNDER AMENDMENT IN HOUSE VERSION OF AID BILL.
 3. RESPONDING TO HIS REQUEST, I EXPLAINED TO FONMIN WHAT THE NATURE OF OUR PROBLEM IS. POINTED OUT THAT, AS HE KNEW, INFLUENTIAL MEMBERS OF BOTH HOUSES OF CONGRESS HAD BECOME INCREASINGLY CRITICAL OF HUMAN RIGHTS PRACTICES IN CHILE.
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PAGE 02 SANTIA 07578 131933Z

SPEAKING FOR USG IN UN GENERAL ASSEMBLY IN OCTOBER, AMB

BENNETT HAD UTILIZED INTER ALIA INFORMATION MADE AVAILABLE BY EMBASSY SANTIAGO TO MAKE CASE THAT THERE HAD BEEN IMPROVEMENT IN GOC HUMAN RIGHTS PRACTICES; BUT SINCE AMBASSADOR HAD SPOKEN IT APPEARED THAT PICTURE ON BALANCE HAD NOT CHANGED FOR BETTER. I KNEW FROM READING STATEMENTS BY CONGRESSMAN FRASER THAT HE UNDERSTOOD "FUNDAMENTAL IMPROVEMENTS" TO BE SOMETHING GOING WELL BEYOND WHAT GOC HAS DONE SO FAR.

4. FONMIN EXPLAINED DIFFICULTIES IN PROCEEDING RAPIDLY WITH RELEASE OF DETAINEES, ALONG LINES PREVIOUSLY REPORTED BY EMBASSY. I SAID WE APPRECIATED THESE DIFFICULTIES, BUT NEVERTHELESS CRITICS OF CHILE WERE CLAIMING THAT EXPECTATIONS RAISED BY PRESIDENT PINOCHET'S SEPT 11 SPEECH HAD NOT BEEN FULFILLED. SPEAKING PERSONALLY, I SAID FATE OF DETAINEES REPRESENTED ONLY PART OF PICTURE. I THOUGHT THESE CONGRESSIONAL CRITICS WOULD BE IMPRESSED IF GOC COULD SEE ITS WAY CLEARLY TO MAKE SOME MOVE TOWARD RESTORATION OF NORMALITY AS REGARDS APPLICABILITY OF TRADITIONAL CHILEAN LEGAL REQUIREMENTS ON BEHALF OF PERSONS DETAINED UND SDDOATE OF SIEGE REGULATIONS.

WITHOUT IGNORING PROBLEMS PRESENTED FOR GOC, I MENTIONED A FEW EXAMPLES OF AREAS IN WHICH SOME PROGRESS MIGHT BE POSSIBLE: RESTORATION OF "AMPARO" (HABEAS CORPUS); A ROLE FOR CIVIL TRIBUNALS IN APPEALS FROM MILITARY JUDGMENT; PROMPT NOTIFICATION TO NEXT OF KIN WHEN INDIVIDUALS WERE DETAINED; PROMPT FORMULATION OF CHARGES AS BASIS FOR HOLDING DETAINEES; CONVINCING ASSURANCES REGARDING ALLEGATIONS OF TORTURE. ALTHOUGH THESE WERE PROCEDURAL QUESTIONS, THEY WERE THE SORTS OF THINGS, I THOUGHT PERSONALLY, WHICH COULD MAKE REAL IMPACT IN CONGRESS, AND MIGHT POSSIBLY BE USED, ASSUMING FOREIGN AID BILL BECAME LAW WITH A PRESIDENTIAL DISCRETIONARY CLAUSE, TO JUSTIFY RELIEF FOR CHILE.

5. FONMIN LISTENED ATTENTIVELY AND DID NOT DISSENT. I HOPE HE UNDERSTANDS WHAT IS MEANT BY NEED FOR PROCEDURAL SAFEGUARDS. PROBLEM HERE IS THAT MOST OF CHILE'S MILITARY LEADERS, EDUCATED THROUGHOUT THEIR CAREERS IN A NARROWLY MILITARY TRADITION, CANNOT REALLY COMPREHEND DEPTH OF PUBLIC AND CONGRESSIONAL SENTIMENT IN THIS MATTER, AND ARE THEREFORE PRONE TO REGARD IT AS SIMPLY PRODUCT OF COMMUNIST PROPAGANDA. CONFIDENTIAL

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PAGE 03 SANTIAGO 07578 131933Z

6. CARVAJAL WAS EFFUSIVELY CORDIAL ON MY DEPARTURE, AND ASKED THAT I EXCHANGE VIEWS WITH HIM FREQUENTLY ON THE VARIOUS SUBJECTS WE HAD CONSIDERED DURING THIS INTERVIEW. I BELIEVE HE IS SEEKING TO EXPLAIN THE CONGRESSIONAL POSITION ACCURATELY WITHIN THE CHILEAN GOVERNMENT, BUT I DOUBT HIS COUNSEL WILL IN ITSELF BE A DETERMINING FACTOR. FONOFF IS FAR FROM CENTER OF POLITICAL POWER HERE.

POPPER

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